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cancel

on a side opposite from the covering a removable support that temporarily covers the contact adhesive layer.

19. (Amended) A transdermal system comprising a planar self-adhesive patch of a multi-layered structure consisting essentially of
a clonidine-containing, pressure-sensitive, acrylate-based contact adhesive layer comprising a copolymer consisting of the monomers 2-ethylhexyl acrylate and vinyl acetate;

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a covering; and

on a side opposite from the covering a removable support that temporarily covers the contact adhesive layer.

21. (Amended) Transdermal system of claim 19 wherein the covering is selected from the group consisting of plastic film, plastic foam, woven fabric, and non-woven fabric.

22. (Amended) Transdermal system of claim 19 wherein the support is of plastic film, paper, or a laminate of plastic film and paper.

REMARKS

The applicants wish to thank the examiner for the courtesies extended during the telephonic interview conducted on October 24, 2001, with the applicants' representatives. In the interview, claims 1, 18, 19, 21-26, and U.S. Patent No. 5,965,155 (which discloses the use of a membrane to control the release of active agent) were discussed.

This amendment is submitted in accordance with 37 C.F.R. § 1.116(a) and § 1.116(b) in order to present the claims in a better form for allowance or appeal. The amendment is necessary to eliminate an objection to the claims under 37 CFR 1.75(c). This amendment was not presented earlier because applicants believe that the amendments filed in Amendment "C" overcame all rejected claims and put the claims in proper form for allowance. The amendment should be entered because it

places the application in better form for allowance or appeal. The amendment is in full compliance with Rule 116 because it raises no new issues and does not require any further searching. In regard to the latter point, the search was carried out based on then-pending, broader claim 1, which recited a transdermal system "comprising a clonidine-containing contact adhesive layer based on a 2-ethylhexyl acrylate/vinyl acetate copolymer."

I. Status of the Claims

Claims 1, 16-19, and 21-29 are pending. Claims 1, 16, 17, and 27-29 have been allowed. Claims 18, 19, and 21-26 stand objected to under 37 CFR 1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 21-24 were objected to as depending from cancelled claim 20. Claims 1, 19, 21 and 22 have been amended, and a marked up version of the amendments is presented as Appendix A. In view of the amendments and remarks presented herein, the applicants believe that the objection is overcome; an indication to that effect is solicited.

II. Objection under 37 CFR 1.75(c)

Claims 18, 19, and 21-26 were objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. As pointed out and discussed in the interview, claim 1 recited a system that **consisted of** a contact adhesive layer, covering, and removable support, to overcome art including the '155 patent, which requires the use of a membrane to control the release of active agent. However, claim 1 recited that the contact adhesive layer **comprised** the recited copolymer, such that the contact adhesive layer element was open to further limitation. Thus, the dependent claims, such as claim 18, further limited.

Claim 1 has been amended to recite that the transdermal system **consists essentially of** the recited contact adhesive layer, covering, and removable support, recognizing that the amended claim still defines over the art. Claim 19 has been rewritten in independent form, and has not been changed in scope. In view of the amendments and the discussion in the interview with the examiner, it is believed

that the objection is overcome. Reconsideration and withdrawal of the rejection are solicited.

III. Objection for Informalities

Claims 21-24 were objected to as depending from cancelled claim 20. Claims 21 and 22 have been amended to depend from claim 19; claims 23 and 24 depend from claim 21. It is respectfully submitted that the claims are now in proper form for allowance.

CONCLUSION

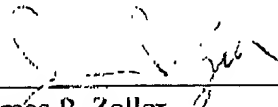
The applicants believe that all the claims are now in a condition for allowance. Favorable reconsideration of the application is respectfully requested. The examiner is invited to contact the undersigned with any questions, comments or suggestions relating to this patent application.

Respectfully submitted,

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APPENDIX A TO AMENDMENT "D"
MARKED UP VERSION OF AMENDED CLAIMS

1. (Twice Amended) A transdermal system for the delivery of clonidine consisting essentially of

a clonidine-containing, pressure-sensitive, acrylate-based contact adhesive layer comprising a copolymer consisting of the monomers 2-ethylhexyl acrylate and vinyl acetate;

a covering; and[,]

on a side opposite from the covering a removable support that temporarily covers the contact adhesive layer.

19. (Amended) [Transdermal] A transdermal system [of claim 1 wherein the clonidine-containing contact adhesive layer forms a layer of] comprising a planar self-adhesive patch of a multi-layered structure consisting essentially of
a clonidine-containing, pressure-sensitive, acrylate-based contact adhesive layer comprising a copolymer consisting of the monomers 2-ethylhexyl acrylate and vinyl acetate;

a covering; and

on a side opposite from the covering a removable support that temporarily covers the contact adhesive layer.

21. (Amended) Transdermal system of claim [20] 19 wherein the covering is selected from the group consisting of plastic film, plastic foam, woven fabric, and non-woven fabric.

22. (Amended) Transdermal system of claim [20] 19 wherein the support is of plastic film, paper, or a laminate of plastic film and paper.